1 2 3 4 5 6	John A. Conkle (SB# 117849)  j.conkle@conklelaw.com  Amanda R. Washton (SB# 227541)  a.washton@conklelaw.com  Desiree J. Ho (SB# 313250)  d.ho@conklelaw.com  CONKLE, KREMER & ENGEL  Professional Law Corporation 3130 Wilshire Boulevard, Suite 500  Santa Monica, California 90403-2351  Phone: (310) 998-9100 • Fax: (310) 998-9	9109		
7 8	Attorneys for Defendant Flying Food Group, LLC			
9	UNITED STATES DISTRICT COURT			
10	NORTHERN DISTRICT OF CALIFORNIA			
11				
12	ELIAS YAMIDO, MARK SIBAYAN   CASE No. 3:19-cv-344			
13	and THELMA YAMIDO, on behalf of themselves, others similarly	DECLARATION		
14	situated and the general public,	CONKLE IN SUPPORT OF DEFENDANT FLYING FOOD		
15	Plaintiff,	GROUP, LLC'S REMOVAL	NOTICE OF	
16	V.	Action Filed:	December 14, 2018	
17	FLYING FOOD GROUP, LLC and DOES 1-10, inclusive,	Trial Date:	None	
18	Defendant.			
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1020.031\9983 Case No. 3:19-cv-344

## **DECLARATION OF JOHN A. CONKLE**

I, John A. Conkle, hereby declare as follows:

- 1. I am an active member of the State Bar of California. I am a member of Conkle, Kremer & Engel, which is counsel of record for Flying Food Group, LLC ("Defendant") in this action. I make this declaration of facts known to me and, if called upon, I could and would testify competently to the facts stated herein.
- 2. On December 14, 2018, Plaintiffs Elias Yamido, Mark Sibayan, and Thelma Yamido filed a Complaint on behalf of a putative class alleging wage and hour violations in the Superior Court of the State of California for the County of San Mateo as *Elias Yamido, Mark Sibayan, and Thelma Yamido v. Flying Food Group, LLC*, Case No. 18CIV06696 ("Complaint.") On December 20, 2018, Defendant's agent for service of process, National Registered Agents, Inc., was served the Summons, an Important Notice re: Nonrefundable Advance Jury Fees, a blank Case Management Statement, the Superior Court of California, County of San Mateo's Civil Trial Court Management Rules, Civil Appropriate Dispute Resolution Information Sheet, Complaint, Plaintiffs' Statement re: Complex Case Designation, Notice of Case Management Conference, Notice of Complex Case Status Conference, and Clerk's Certificate of Mailing. Attached to Defendant Flying Food Group, LLC's Notice of Removal as **Exhibit A** are true and correct copies of the documents served on December 20, 2018, and transmittal documents related thereto.
  - 3. As of January 18, 2019, I have been made aware of the Civil Case Cover Sheet filed on December 14, 2018 and the Proof of Service of Summons filed on January 8, 2019 in the Superior Court of the State of California in the County of San Mateo. While these documents have not been served on Defendant, attached to Defendant Flying Food Group, LLC's Notice of Removal as **Exhibit B** are true and correct copies of these documents.

1	4. Following the filing of the Notice of Removal in the United States			
2	District Court for the Northern District of California, Defendant will promptly serve			
3	a copy of the Notice of Removal to Plaintiffs' counsel, and will file a copy of the			
4	Notice of Removal with the Clerk of the Superior Court of the State of California			
5	for the County of San Mateo.			
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7	I declare under penalty of perjury under the laws of the State of California and			
8	United States of America that the foregoing facts are true and correct, and that this			
9	declaration was executed on January 18, 2019.			
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12	/s/ John A. Conkle John A. Conkle			
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